



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE CENTER AND FORT HUACHUCA
1903 HATFIELD STREET
FORT HUACHUCA ARIZONA 85613-7000

ATZS-CG

29 April 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: POLICY 114 – State and Federal Court Service of Legal Process

1. REFERENCES.

- a. 10 U.S.C §1561a, Armed Forces Domestic Security Act.
- b. 18 U.S.C. §13, Assimilative Crimes Act.
- c. AR 27-40, Litigation, 19 Sep 94.
- d. A.R.S. Section 26-253, Power of State to Serve Process Upon Land Ceded to United States for Military Purposes

2. **POLICY.** Fort Huachuca is an area of exclusive Federal jurisdiction, and under normal circumstances, orders of state courts have no force or effect on Fort Huachuca. As an exception to this general rule, Reference 1a provides that “civilian orders of protection” shall have the same force and effect on a military installation as in the jurisdiction of the court that issued the order. For purposes of Reference 1a, a “civilian order of protection” is defined broadly, including any order issued to prevent violence or threatening acts or harassment against a person.

3. It is my policy to provide a safe, orderly environment for all who live and work on the installation. Under both Arizona and federal law, a violation of a civilian order of protection may be a criminal act. Accordingly, the military police shall investigate alleged violations of civil orders of protection on Fort Huachuca, render reports of investigation, and issue citations, as appropriate. Commanders at all levels will carefully evaluate civilian orders of protection issued against members of their commands to determine whether the substantive provisions of the civil order of protection should be the subject of a lawful order enforceable under the UCMJ.

4. It is also my policy to cooperate with courts and litigants seeking to serve legal process on Fort Huachuca. The state of Arizona has reserved the right to serve criminal or legal process on Fort Huachuca, including, but not limited to, a summons and complaint, arrest warrants, subpoenas seeking access to evidence and witnesses, civilian orders of protection, and orders authorizing the repossession of personal property. Reference 1c sets forth procedures for cooperating with state and Federal authorities and litigants who seek to serve legal process issued by courts on persons located on Fort Huachuca, to include Federal officials involved in litigation

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in their official capacity. It is my policy to establish local procedures to facilitate service of legal process while minimizing unnecessary disruption to the Army's mission.

5. PROCEDURES. Prior to service, the Office of the Staff Judge Advocate (OSJA) will review all Federal and state court process and orders. The Military Police (MPs) are responsible to ensure that service of legal process does not result in a breach of the peace. The Director of Public Safety (DPS) and the Staff Judge Advocate shall coordinate with each other in order to implement specific written procedures consistent with this policy. The procedures developed by the SJA and the DPS are hereby incorporated into this policy. The OSJA and MPs will retain a copy of each legal document served on the installation.

6. Commanders and staff who are contacted by any person for the purpose of accepting service of legal documents in the course of their official duties should decline to accept service until the documents are reviewed by the OSJA. Ordinarily, to ensure the orderly administration of the installation, legal documents will not be reviewed or accepted for service on Federal officials outside of normal duty hours.

7. PROPONENT. Office of the Staff Judge Advocate. For further information, call the Military Justice Division at the OSJA at 533-0569.



BARBARA G. FAST
Major General, USA
Commanding

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